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Letter dated 15 April 2008 from the Permanent Representative of Serbia to the United Nations addressed to the President of the General Assembly

I have the honour to forward herewith the aide-memoire on the candidature of the Republic of Serbia for election to the United Nations Human Rights Council for the period 2008-2011 (see annex).

(*Signed*) Pavle **Jevremović**

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Annex to the letter dated 15 April 2008 from the Permanent Representative of Serbia to the United Nations addressed to the President of the General Assembly

Aide-memoire on the candidature of the Republic of Serbia to the United Nations Human Rights Council

The Government of the Republic of Serbia (the then State Union of Serbia and Montenegro) decided in 2006 to put forward its candidature to the UN Human Rights Council for the term 2008-2011 at the elections to be held during the 62nd session of the UN General Assembly.

Aware of the importance accorded to human rights issues the Republic of Serbia, from the outset actively supported the creation of the Human Rights Council, expressing thus its hope that human rights will be further reinforced and strengthened.

The Republic of Serbia has been actively involved in promoting the principles upheld by the UN, including through the dissemination of the ideals and universally accepted principles and norms enshrined in the UN Charter, the Universal Declaration of Human Rights and relevant international human rights instruments.

The Republic of Serbia has assumed the highest international standards in the area of human rights, becoming party to almost all the major international and regional treaties and protocols in the field of human and minority rights, international humanitarian law and refugee law.

Up to present the Republic of Serbia has ratified the most important universal treaties, namely:

- International Covenant on Civil and Political Rights (ICCPR),
  - Optional Protocol to the ICCPR concerning individual complaints,
  - Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty,
- International Covenant on Economic, Social and Cultural Rights (ICESCR),
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),
  - Optional Protocol to the CAT concerning regular visits by national and international experts to places of detention,
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD),
- International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
  - Optional Protocol to the CEDAW, concerning individual complaints and inquiry procedures,
- Convention on the Rights of the Child (CRC),
  - Optional Protocol to the CRC on the involvement of children in armed conflicts,
  - Optional Protocol to the CRC on the sale of children, child prostitution and child pornography,
- Slavery Convention 1926 as amended 1956,
- Convention on the Suppression and Punishment of the Crime of Apartheid,
- International Convention against Apartheid in Sports,
- Rome Statute of the International Criminal Court,
- UN Convention against Transnational Organized Crime and its Protocols against the smuggling of migrants by land, sea and air and to prevent, suppress and punish trafficking in persons,
- Convention relating to the Status of Refugees and its Protocol,
- Four Geneva Conventions and their Two Additional Protocols, etc.

The Republic of Serbia accepted being subject to all communication procedures of the United Nations human rights instruments it has ratified.

The Republic of Serbia has signed the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families as well as two recently adopted conventions - International

Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

The Republic of Serbia is also a state party to the 69 International Labour Organization conventions including 8 core ILO conventions.

The Republic of Serbia co-operates actively with the Council of Europe (CoE) and the Organization for Security and Cooperation in Europe (OSCE) in the field of protection of human and minority rights and fundamental freedoms, as well as promoting rule of law and further democratization of society. It has ratified 33 Council of Europe conventions related to human and minority rights including the most relevant – the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Framework Convention for the Protection of National Minorities and the European Charter on Regional or Minority Languages.

The Republic of Serbia fully supports the work of the UN HRC Special Procedures. In that regard it has extended a standing invitation for country visits to the United Nations Special Procedures. Mr. A. Ligabo, Special Rapporteur of the United Nations Commission for Human Rights for the promotion and protection of the right to freedom of opinion and expression and Mr. W. Kallin, Special Representative of the UN Secretary-General on the human rights of internally displaced persons officially visited Serbia (Serbia and Montenegro) in 2004 and 2005 respectively. In September 2007 the Special Representative of the Secretary-General of the United Nations on the Rights of Human Rights Defenders, Ms. H. Jilani, visited Serbia. Invitation for the visit has been extended to Ms. Asma Jahangir, Special Rapporteur on freedom of religion or belief, and her visit is expected to take place in 2009.

As a member of the Executive Board of UNICEF, the Commission for Sustainable Development, the Executive Committee of the United Nations High Commissioner for Refugees, Serbia has actively contributed to their work. In cooperation with OSCE and the Council of Europe it has hosted a number of conferences and seminars in the field of human rights and the protection of national minorities.

Serbia's achievements in the field of Human Rights

In the past seven years a considerable increase in the pace of reforms has been achieved in Serbia. These reforms concerned notably the adoption of new laws, the harmonization of national legislation with international commitments, the setting up of governmental structures and national institutions in the field of human rights.

Actions taken at the legislative level

The new constitution of the Republic of Serbia adopted in 2006 guarantees a wide range of human and minority rights, and stipulates for direct implementation of human and minority rights guaranteed by the generally accepted rules of international law and ratified international instruments.

In the comprehensive process of legislative activities undertaken since 2000 a number of new laws harmonized with highest international norms and standards has been adopted, such as - the Law on the Protection of Rights and Freedoms of the National Minorities (2002), the Broadcasting Act (2002), the Law on Free Access to Information of Public Importance (2004), the Criminal Code (2005), the Criminal Procedure Code (2006), the Labor Act (2005), the Family Act (2005), the Act on Police (2005), the Law on Juvenile Crimes and Criminal and Legal Protection of Minors (2005), the Law on Protector of Citizens (2005), the Law on Prevention of Discrimination against Persons with Disabilities (2006), the Law on Asylum (2007) etc. The **National Strategy for Judicial Reform** was adopted in 2006 with the aim to implement reforms at all levels of the judiciary, so as to ensure an independent, effective and efficient institution that is essential for a just, transparent and accountable Government.

Bearing in mind that the Republic of Serbia is multinational, multicultural and multi-linguistic country, it pays a special attention to bilateral cooperation with its neighbors, particularly to the protection and improvement of the

status of national minorities. In this regard, the Republic of Serbia has concluded several bilateral agreements with neighboring countries.

With the aim of dealing with specific human rights issues in more comprehensive and holistic manner the Republic of Serbia has adopted numerous national strategies - **National Strategy for Roma's Inclusion, as well as action plans on education, health, social issues, housing** etc. regarding the improvement of the status of Roma, which stipulates wide measures of affirmative actions. The Republic of Serbia has also adopted **Poverty Reduction Strategy** as well as **National Action Plan for Children**. Being a country with large number of refugees and internally displaced persons and paying particular attention to this vulnerable population the Government of Serbia adopted a comprehensive **National Strategy for resolving the problems of refugees and IDPs in 2002**. Recognizing the need for the improvement of the position of persons with disabilities the Government of the Republic of Serbia adopted the **National Strategy for Improving the Position of Persons with Disabilities** in 2006.

Actions taken at the institutional level

- The **Ombudsperson of the Republic of Serbia** (Protector of Citizens) was established in 2005. The National Assembly of the Republic of Serbia elected the national ombudsman and his Office has been in function. The Provincial Ombudsman was established in 2002 in the Serbia's Autonomous Province Vojvodina;
- The **Agency of Human and Minority Rights** was established within the Government of the Republic of Serbia with the main objective to: provide expertise within the Government of the Republic of Serbia in terms of the protection and improvement of human and minority rights; participate in drafting legislation related to human and minority rights; monitor the harmonization of national legislation with international agreements and other international legal instruments of human and minority rights and, accordingly, initiate amendments to national regulations; represent the Republic of Serbia before the European Court of Human Rights; coordinate relevant ministries in preparation of reports on the implementation of international instruments on human and minority rights.
- **National Councils of national minorities** in the Republic of Serbia were established according to the Law on the Protection of Rights and Freedoms of National Minorities.
- The Government of the Republic of Serbia set up the **Council of the Republic of Serbia for National Minorities** consisted of the representatives of 15 national minorities' councils and respective ministries in charge for the interior affairs, justice, public administration, education, culture and religion and chaired by the Prime Minister of the Republic of Serbia.
- The Government of the Republic of Serbia set up **Council on Gender Equality (2003)** as an independent government body comprising prominent personalities from public, political and professional life. The activities of the Council in achieving gender equality are focused on discussing and proposing measures for the promotion of the policy and strategy for improvement of gender equality;
- The National Assembly of the Republic of Serbia set up the **Gender Equality Committee**;
- The Government of the Republic of Serbia established **Council for Child Rights (2002/2003)**. This body plays a very significant role in proposing measures to the Government in the field of child protection and especially protection of children from violence;
- The **National Anti-Trafficking Team** was established in the Republic of Serbia in 2002. The Ministry of Labor, Employment and Social Policy of the Republic of Serbia set up the Service for the Coordination of Assistance to the Victims of Human Trafficking (2003). The Government of the Republic of Serbia set up the Council for Combating Human Trafficking at ministerial level in 2004;
- Within the Ministry of Labour and Social Policy there is a **Sector for the Protection of Persons with Disabilities**. The Government of Serbia set up **Council for Persons with Disabilities** in 2007, comprised of representatives of relevant ministries and representatives of civil sector;
- The **Commissioner for Information of Public Importance** has been elected in 2004. The Commissioner, as an independent government agency, independent in performing his competences, provides for the

realization of the right to free access to information of public importance in accordance with the Law on Free Access to Information of Public Importance (2004).

Serbia's pledges and commitments in the field of Human Rights

At the international level

- Strive for the full realization of civil, political, economic, social and cultural rights, paying attention also to the right to development;
- Cooperate with universal and regional organizations with the aim to increase their role in defending and promoting human rights, especially through more development assistance directed at the improvement of the human rights situation;
- Pursue international cooperation programs on human and minority rights, gender equality, child protection, democracy, good governance and the rule of law;
- Support the work of the Office of the High Commissioner for Human Rights (OHCHR), through strengthening its capacity, as well as through close cooperation with the High Commissioner. As of this year Serbia will start making voluntary contributions to the Office of the UN High Commissioner for Human Rights;
- Present, on a regular basis, periodic reports to the relevant treaty bodies, ensure the participation of high level delegations at their presentation and implement recommendations and observations made by treaty bodies after examination of the report.
- Cooperate fully with treaty bodies and actively participate in the discussions on the reform of the treaty bodies for a more effective monitoring system;
- Support the elaboration of additional Protocol to the UN Covenant on Economic, Social and Cultural Rights;
- Work for the implementation of the commitments of Millennium Development Goals, as well as Action Plans of Vienna, Beijing, Cairo, Copenhagen and other major UN international Conferences.

At the national level

- Ensure the ratification or adherence to the very few international instruments to which the Republic of Serbia has not yet become party;
- Continue cooperation with the special procedures, by maintaining standing invitation to representatives of thematic mechanisms in order to continue work towards the fulfillment of its commitments on human rights issues;
- Continue to harmonize the national legislation with international commitments;
- Strengthen national mechanisms in charge of the promotion of human rights such as the Council of the Republic of Serbia for National Minorities, Office of the Ombudsperson, Council for the Protection of Persons with Disabilities, Council for Gender Equality, Council for Child Rights etc;
- Provide for and implement measures for the improvement of full and effective equality in different fields of social life;
- Promote further development of multiethnic and multicultural societies in all their aspects – domestically and worldwide;
- Pursue its efforts to promote the role of women in various national sectors, to eliminate violence against women, child abuse, including domestic violence;
- Work with civil society including non-governmental organizations in the promotion and implementation of human rights programs, as well as undertake the widest possible promotion of human rights;
- Promote awareness of human rights in the society by their introduction in the educational system at all levels, as well as through media and civil society, and adoption of a National strategy for human rights.

At the level of the Human Rights Council

- Active contribution to further strengthening of efficiency and effectiveness of the Human Rights Council to protect and promote human rights in a spirit of dialogue and cooperation, and by appropriately responding to human rights violations;
- Contribute to the work of the HRC in the field of implementation of civil, political, economic, social and cultural rights including the right to development;
- Reaffirm its commitment to the respect of human rights in the fight against terrorism, abolishment of the death penalty, absolute prohibition of torture and other cruel, inhuman and degrading treatment, as well as the protection of victims of violation of human rights;
- Support initiatives intended to fight against all forms of discrimination and xenophobia;
- Support the work of the new established mechanism within the Human Rights Council – Universal Periodic Review and, accordingly, prepare and present National Reports before the UPR (the first report to be presented in December 2008).

Willing to continue its active contribution to the strengthening of the rule of law and the promotion of the human rights at the national, as well as the international level, the Government of the Republic of Serbia would therefore appreciate the valuable support of the Member States of the United Nations to its candidature to the Human Rights Council.